

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of:

PALLI *et al.*

Patent No.: 7,091,038

Issued: August 15, 2006

**For: An Ecdysone Receptor-Based
Inducible Gene Expression System**

Confirmation No.: 8135

Art Unit: 1647

Examiner: Shafer, Shulamith H.

Atty. Docket: 2584.0180002/RWE

**Second Notification of Loss of Entitlement to Small Entity Status
Under 37 C.F.R. § 1.27(g)(2) When Maintenance Fee is Due**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Notification of Loss of Entitlement to Small Entity Status was filed for the above-captioned patent on January 18, 2008, and large entity fee deficiencies in the amount of \$2,585.00 were paid by Patentees; the fee deficiencies were accepted and processed by the U.S. Patent and Trademark Office (USPTO) on January 25, 2008.

Patentees note that the USPTO erroneously did not change its records to reflect that small entity status no longer applies to this patent. Patentees attempted to effect payment of the large entity amount for the first maintenance fee for the present patent on January 22, 2010. However, the USPTO did not accept the large entity payment; rather only the small entity payment amount of \$490.00 was accepted.

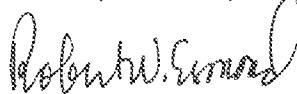
Patentees hereby request that the USPTO change the entity status for the present patent to a large entity and that the fee deficiency in the amount of \$490.00 now held in escrow by the USPTO be applied toward the large entity first maintenance fee for this

patent. The USPTO is hereby authorized to charge any fee deficiency for payment of the first maintenance fee or any late-filing surcharge that may be due, or credit any overpayment, to our Deposit Account No. 19-0036.

This notification is being filed after paying the maintenance fee that is first due after the date on which status as a small entity is no longer appropriate only because the USPTO erroneously did not change its records appropriately after the first notification was filed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: Feb 22, 2010

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